

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

UNITED STATES OF AMERICA and the  
STATES OF ILLINOIS, MINNESOTA, and  
WISCONSIN *ex rel.*, JEFFERY S.  
KOTWICA,

Plaintiffs,

v.

ROUNDY'S SUPERMARKETS, INC., a  
Wisconsin Corporation,

Defendant.

Case No. 15-cv-5168

Judge Rebecca R. Pallmeyer

**Motion to Dismiss**

Defendant Roundy's Supermarkets, Inc. ("Roundy's"), by its undersigned counsel DLA Piper LLP (US), respectfully moves this Court under Federal Rules of Civil Procedure 9(b), 12(b)(1), and 12(b)(6) to dismiss the Complaint for the reasons stated in the Memorandum in Support of Motion to Dismiss filed contemporaneously with this Motion.

WHEREFORE, Roundy's respectfully requests that this Court dismiss the Complaint in its entirety and for any other relief this Court deems appropriate.

Dated: October 17, 2016

Respectfully submitted,

**Roundy's Supermarkets Inc.**

By: /s/ Jonathan D. King  
One of Its Attorneys

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**CERTIFICATE OF SERVICE**

I, Jonathan D. King, an attorney, hereby certify that on October 17, 2016, I caused the **Motion to Dismiss** to be electronically filed with the Clerk of the Court using the CM/ECF System which will send notification of the filing to:

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/s/ Jonathan D. King